



PUBLIC NOTICE & AGENDA

Multistate Tax Commission Executive Committee Meeting

444 North Capitol St., N.W.
Washington, D.C. 20001

Thursday, May 9, 2013

8:30 a.m. to 5:00 p.m. Eastern Time

Note: Participation in the open sessions of this Executive Committee meeting via teleconferencing will be available by using the following dial-in number: 1-800-442-5794, conference code 626121

I. Welcome and Introductions

II. Initial Public Comment Period

In accordance with its Public Participation Policy, the Commission provides this opportunity for members of the public to address the Commission directly on this agenda. The Chair may also provide for public comment before or during the committee's discussion of specific agenda items.

III. Approval of Minutes of Executive Committee Meetings on December 6, 2012

IV. Report of the Chair

- A. Election of Vice Chair and Treasurer for Unexpired Term Following Vacancy by Operation of Bylaw 3(c)(2)
- B. Election of Executive Committee Member for Unexpired Term Following Vacancy by Operation of Bylaw 3(c)(3)
- C. Resolutions Committee
- D. Nominating Committee

V. Report of the Treasurer

- A. Financial Report for the Period July 1, 2012 – March 31, 2013
- B. 2013-2014 Budget Review & Approval

If you would like additional information about this meeting, contact Gregory S. Matson, Deputy Executive Director, Multistate Tax Commission, 444 North Capitol Street, N.W., Suite 425 Washington, D.C. 20001 | Tel: (202) 650-0300 | Email: gmatson@mtc.gov

VI. Report of the Executive Director

- A. Report
- B. Discussion of Multi-state Transfer Pricing Audits

VII. Committee & Program Reports

- A. Audit Committee
- B. Litigation Committee
- C. Nexus Committee
- D. Uniformity Committee
- E. Training Program
- F. Other Committee & Program Business (if any)

VIII. Recommended Amendments to Public Participation Policy and Bylaws Regarding Notice Requirements

IX. Strategic Planning Report

X. Uniformity

- A. Hearing Officer Recommendations for Consideration

Hearing Officer Report on Recommended Amendments to Compact Article IV [UDITPA] (if completed)

- a. Section 1(a), Definition of “business income”
- b. Section 9, Factor weighting
- c. Section 1(g), Definition of “sales”
- d. Section 17, Sales factor sourcing for services and intangibles
- e. Section 18, Distortion relief

- B. Other Proposals before the Executive Committee for Action

- 1. Proposed Model Statute for Partnership or Pass-Through Entity Income Ultimately Realized By An Entity That Is Not Subject To Income Tax
- 2. Proposed Resolution in Support of State Consideration of the Streamlined Sales and Use Tax Agreement’s Telecommunications Sourcing Rules and Definitions
- 3. Model Sales & Use Tax Notice and Reporting Statute

- C. Other Uniformity Matters (if any)

XI. Federal Issues with State Tax Implications

- A. S. 31/H.R. 434, Permanent Internet Tax Freedom Act of 2013
- B. S. 336/H.R. 684, Marketplace Fairness Act of 2013
- C. H.R. 1129, Mobile Workforce State Income Tax Simplification Act of 2013
- D. Digital Goods and Services Tax Fairness Act (not yet introduced)
- E. Business Activity Tax Simplification Act (not yet introduced)
- F. Federal Tax Reform
- G. Other Federal Legislative Activity

XII. Upcoming Meetings & Events

46th Annual Conference & Meetings, July 22 – 25, 2013, San Diego, California

----- **XIII. CLOSED SESSION** -----

A. Nexus Committee & National Nexus Program

- 1. Approval of Minutes of Closed Session on December 6, 2012
- 2. Report on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (c), this item is scheduled for a closed session because it involves confidential taxpayer information, the disclosure of which is prohibited by law. Pursuant to the Commission's Public Participation Policy, Section 16, consideration of minutes is scheduled for a confidential session because that policy requires that the minute book of a closed session be kept confidential.

B. Audit Committee & Joint Audit Program

- 1. Approval of Minutes of Closed Session on December 6, 2012
- 2. Report on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (c), this item is scheduled for a closed session because it involves confidential taxpayer information, the disclosure of which is prohibited by law. Pursuant to the Commission's Public Participation Policy, Section 16, consideration of minutes is scheduled for a confidential session because that policy requires that the minute book of a closed session be kept confidential.

C. Items Related to Pending Litigation & Commission Personnel Matters (if any)

1. Approval of Minutes of Closed Session on December 6, 2012
2. Litigation regarding Compact Article III Election
3. Other Confidential Matters

Pursuant to the Commission's Public Participation Policy, section 15, subsection (f), an item relating to pending litigation may be scheduled for a closed session if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; if it involves significant exposure to litigation against the Commission or a member State, if this body needs to decide if a significant exposure to litigation exists; or if the Commission or a member State is initiating or making a decision to initiate litigation. Pursuant to section 15, subsection (a) and (e), an item may be scheduled for a confidential session because it involves confidential personnel information or the discharging of responsibilities related to salaries, salary schedules, or compensation paid in the form of fringe benefits.

XIV. Resumption of Public Session and Reports from Closed Session (if any)

XV. Adjournment